

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

COTY TODD and COLT MCENTYRE

PLAINTIFFS

vs.

No. 5:15-cv-674-RP

**PREDATOR PRESSURE CONTROL
AND CRANE SERVICES, LLC**

DEFENDANT

MOTION FOR LEAVE TO FILE
SECOND AMENDED AND SUBSTITUTED COMPLAINT

COME now Plaintiffs Coty Todd and Colt McEntyre, by and through their attorney Josh Sanford of Sanford Law Firm, PLLC, for their Motion for Leave to File Second Amended and Substituted Complaint, and in support thereof do hereby state and allege as follows:

1. Plaintiffs ask for leave to file their Second Amended and Substituted Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure. See Exhibit A attached hereto.
2. The purpose of the proposed amendment is to add individual Plaintiff John Newton.
3. Pursuant to the Scheduling and Docket Control Order (ECF No. 12), Plaintiffs have until March 1, 2016, to amend their Complaint. The proposed amendment will not prejudice Defendant, nor would it affect any deadline established by the Court.

4. Plaintiffs' counsel conferred by email with Defendant's counsel on the 12th and 13th day of January, 2016; the parties were unable to reach an agreement; Plaintiffs are compelled to file this motion without affording Defendant more time examine the issue because of statutory limitations; Defendant's counsel will not be in position to discuss this issue with her client until next week; this motion is therefore opposed for now.

5. Plaintiffs' Proposed Order granting this Motion for Leave to File Second Amended and Substituted Complaint is attached hereto as Exhibit B.

WHEREFORE, premises considered Plaintiffs Coty Todd and Colt McEntyre respectfully request an order of this Court granting them leave to file their Second Amended and Substituted Complaint, and for such other relief as may be just and proper.

Respectfully submitted,

**COTY TODD and COLT McENTYRE,
PLAINTIFFS**

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By: /s/ Josh Sanford
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing MOTION was electronically filed with the Clerk for the U.S. District Court, Western District of Texas, on January 13, 2016, using the electronic case filing system of the Court. The attorney listed below is registered to receive an electronic copy hereof.

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/s/ Josh Sanford

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